

Board of Zoning Adjustment
Staff Report
October 21, 2019



Case No:	19-CUP-0106
Project Name:	Short Term Rental
Location:	546 Rawlings Street
Owners:	Sally & Christopher Miller
Applicant:	Christopher Miller
Jurisdiction:	Louisville Metro
Council District:	# 15---Kevin Triplett
Case Manager:	Steve Hendrix, Planning & Design Coordinator

REQUEST

Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the host in a R-5 Zoning District and Traditional Neighborhood Form District.

CASE SUMMARY/BACKGROUND

The 0.137 acre site is located on the south side of Rawlings Avenue between South Preston Street and Ziegler Street in the Merriwether Neighborhood. The 1,482 square foot, two story, single family dwelling was built in 2018 and has three bed rooms and two bath rooms. One parking credit is in the front along Rawlings Street and parking exists off the alley.

There is no Open Enforcement Case.

There is one other Short Term Rentals within 600 feet of the subject site.

STAFF FINDING / RECOMMENDATION

Based upon the information in the staff report and the testimony and evidence provided at the public hearing, the Board of Zoning Adjustment must determine if the proposal meets the standards established in the LDC for a Conditional Use Permit.

TECHNICAL REVIEW

There are no outstanding technical review items.

INTERESTED PARTY COMMENTS

A neighborhood meeting was held on July 28, 2019, with three invitees in attendance.

There was no opposition.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR CONDITIONAL USE PERMIT

1. Is the proposal consistent with applicable policies of the Comprehensive Plan?

STAFF: The proposal does not conflict with Comprehensive Plan policies.

2. Is the proposal compatible with surrounding land uses and the general character of the area including factors such as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting and appearance?

STAFF: When appropriately managed, the proposed use is compatible with surrounding development and land uses. No exterior construction or alterations to the building or the site will be required.

3. Are necessary on-site and off-site public facilities such as transportation, sanitation, water, sewer, drainage, emergency services, education and recreation adequate to serve the proposed use?

STAFF: The subject property is served by existing public utilities and facilities. The proposal will not create additional requirements for the site.

4. Does the proposal comply with the specific standards required to obtain the requested conditional use permit?

4.2.63 Short Term Rental Term Rental of a dwelling unit that is not the primary residence of the host or the Short Term Rental of a condominium unit that is the primary residence of the host in a R-R, R-E, R-1, R-2, R-3, R-4, R-5, U-N, R-5A, R-5B, R-6, R-7 or R-8A district and Short Term Rental of any dwelling unit in a TNZD district may be allowed upon the granting of a Conditional Use Permit. In addition to any conditions of approval, a short term rental and its host shall meet the following requirements:

A. The maximum stay for a guest shall be 29 consecutive days. A dwelling unit rented to the same occupant 30 consecutive days or more is not considered a short term rental.

The applicant has been informed of this requirement.

B. The dwelling unit shall be limited to a single short term rental contract at a time.

The applicant has been informed of this requirement.

C. At no time shall more persons reside in the short term rental than two times the number of bedrooms plus two individuals, except where the licensed property is in excess of two acres in which case the occupancy limit shall be two times the number of bedrooms plus six individuals.

The dwelling has three bedrooms which would allow for eight guests.

- D. The property on which the short term rental(s) is situated shall not be located closer than 600 feet (measured in a straight line from nearest property line to the nearest property line) to any property on which another approved short term rental that required a conditional use permit is situated. The provision shall not apply to a property in the TNZD district which required a conditional use permit even though it is the primary residence of the host.

As of the date of this report, there is one property with an approved Conditional Use Permit allowing short term rental that is not the primary residence of the host within 600' of the subject property.

The applicant will need to request relief to the provision in accordance with LDC Section 4.2.2.B.

If the Board does not grant relief, the applicant does not meet all of the listed requirements and the conditional use permit cannot be approved.

- E. The building in which the dwelling unit is located shall be a single-family residence, duplex, or condominium. If the short term rental is a condominium unit, the condominium unit must be the primary residence of the host. All conditional use permit applications for the short term rental of a condominium unit shall include evidence showing the applicable condominium association has taken action to approve the short term rental of the subject condominium. The evidence shall be provided in the form of minutes from an officially called meeting of the applicable condominium association board where in all condominium would be discussed and a majority of the board members voted in favor of permitting/allowing the short term rental of the subject condominium. In addition to notification required by Chapter 11 Part 5A, an applicant for a short term rental within a condominium shall provide notice of the Conditional Use Permit public hearing to all condominium owners within the association. Proof of notification shall be by way of affidavit. This provision shall not be waived or adjusted.

The structure is a single family dwelling.

- F. Food and alcoholic beverages shall not be served by the host to any guest.

The applicant has been informed of this requirement.

- G. Outdoor signage which identifies the short term rental is prohibited in residential zoning districts.

The applicant has been informed of this requirement.

- H. There shall be a sufficient amount of parking available for guests, as determined by the Board of Zoning Adjustment. The amount and location of parking shall be based on the land uses and density of the immediate vicinity.

The site has one parking space at the rear and one parking credit on the street.

- I. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances.

The applicant has been informed of this requirement.

J. If the property is subject to two (2) or more substantiated civil and/or criminal complaints within a twelve (12) month period, the Planning Director may revoke the approval. When the Planning Director revokes an approval under this section, the owner and host shall be notified of the revocation and shall have thirty (30) days in which to request an appeal before the Board of Zoning Adjustment. If no appeal is requested, the revocation shall become final on the thirty-first (31) day after the initial action by the Director. Civil complaints include, but are not limited to, reported violations of building, safety, property maintenance, nuisance, health and sanitation, fire, electrical, plumbing, and mechanical codes. Criminal complaints include, but are not limited to, reported drug activity, theft and criminal mischief.

The applicant has been informed of this requirement.

K. Prior to commencement of any short term rental on the subject property, the host shall register the short term rental pursuant to the Louisville Metro Code of Ordinances. If the short term rental is not registered within thirty (30) days of the issuance of the conditional use permit, the permit shall become null and void.

The applicant has been informed of this requirement.

L. An active registration for the short term rental, as required by the Louisville Metro Code of Ordinances, shall be maintained. No short term rentals may take place unless the registration is active and in the name of the current host and property owner. If the registration is not renewed and lapses for six months, or in the event of a change of ownership and/or host, a new registration is not issued within six months from the date of the change, the conditional use permit shall become null and void. In order to recommence short term rentals, a new conditional use permit must be granted if required by this Land Development Code.

The applicant has been informed of this requirement.

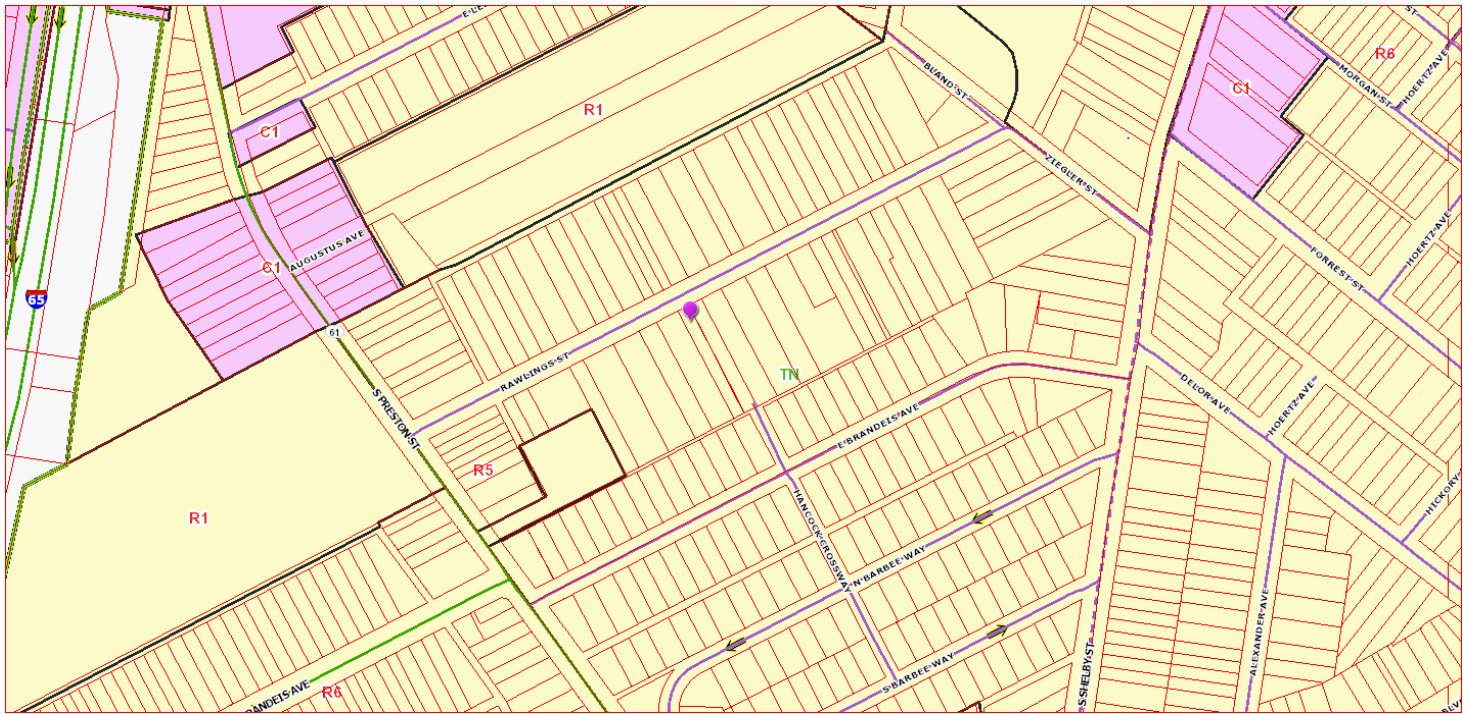
NOTIFICATION

Date	Purpose of Notice	Recipients
10/07/2019 10/02/2019	Hearing before BOZA	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 8
10/04/2019	Hearing before BOZA	Sign Posting

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Neighborhood Meeting/Minutes
4. Floor Plan
5. Bedroom Pictures
6. 600 Foot Map

Zoning Map



Aerial Photograph



Louisville Neighborhood Meeting

Meeting Minutes

July 28, 2019

Attendees: Elsie Gambrel
Keisha Grace
Hayse Grace
Austin Lott
Chris Miller

The meeting was held on July 28, 2019 from 6-8 pm EST at 546 Rawlings St. There were refreshments served. Elsie arrived around 6:15 p.m. We discussed with Elsie why we were having the neighborhood meeting and asked her if she had any questions or items she would like to discuss. We told her that we were applying for a permit and this step was the first one. Elsie is happy with the Airbnb and does not have any issues. She was very curious about the involvement of the management company. We explained to her that we have a co-host that lives in Louisville who is available if any issues arise. We gave her our business card to contact us directly if she does have any issues. She said that she was the "nosy neighbor" on the block and would be happy to contact us if she noticed anything going on at the house. Overall it was a very informative meeting and she was pleased to meet us all and to discuss this process. We told her that the next step would be a monthly meeting and she can attend that as well. We told her that there would be a sign in the yard notifying her of the time and place.

Meeting adjourned at 8:00 p.m.

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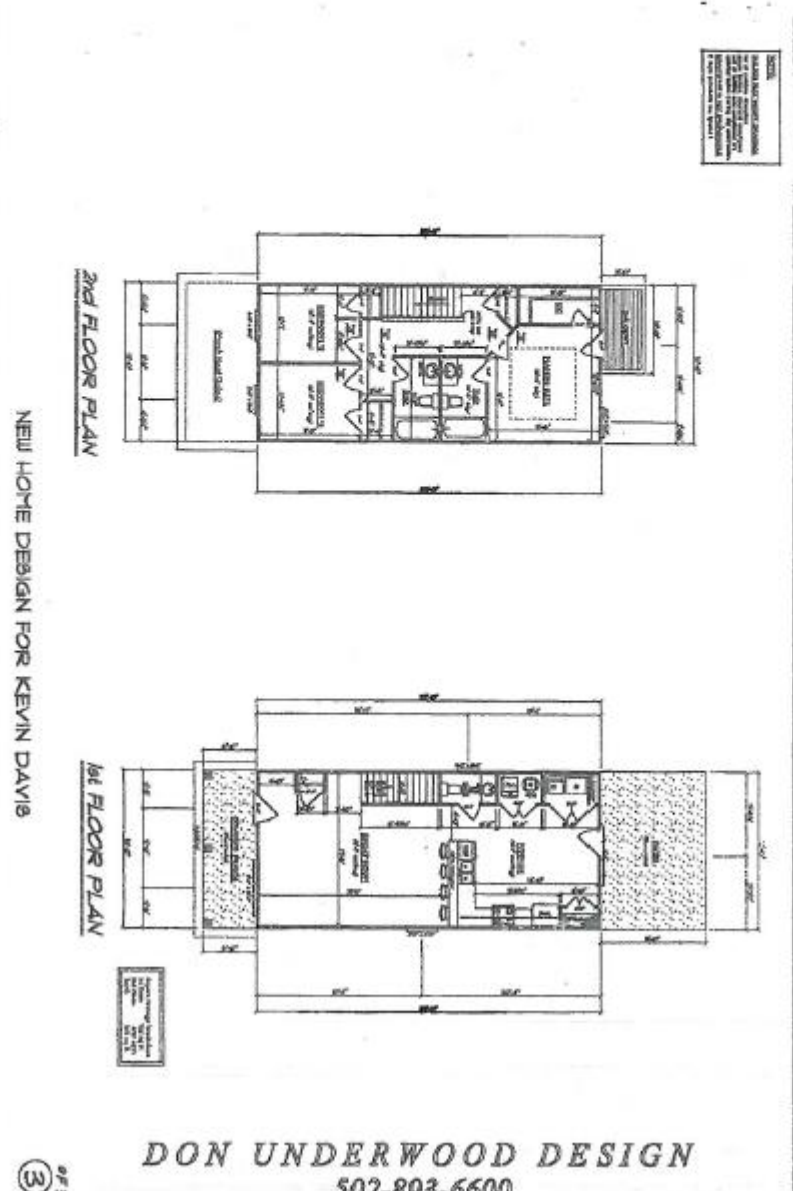
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Neighborhood Meeting Sign-in Sheet
28-Jul-19

Name	Street Address	Zip Code	Phone	Email
Gambrel	542 Rawlings St	40217	292-9021	elsiegambrel@yahoo.com
Keisha Grace	1746 Wrencrest Dr.	37122	615-418-6825	keisha_grace@gmail.com
Heather Grace	1746 Wrencrest Dr.	37122	615-448-5891	hgrace007@gmail.com
Justin Lott			615-440-0894	austinelott@gmail.com
Miller			860-305-5326	

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NEW HOME DESIGN FOR KEVIN DAVIS

2nd FLOOR PLAN

1st FLOOR PLAN

DON UNDERWOOD DESIGN
502.902.6600



NOTES:
1. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
2. FINISHES TO BE DETERMINED BY THE CLIENT.
3. SEE SCHEDULE FOR MATERIALS AND FINISHES.
4. SEE SPECIFICATIONS FOR CONSTRUCTION DETAILS.
5. SEE MECHANICAL AND ELECTRICAL SCHEDULES FOR EQUIPMENT AND FIXTURES.
6. SEE STRUCTURAL SCHEDULE FOR COLUMN AND BEAM SIZES.
7. SEE FOUNDATION SCHEDULE FOR FOOTING AND SLAB DETAILS.
8. SEE EXTERIOR SCHEDULE FOR ROOFING AND Siding DETAILS.
9. SEE INTERIOR SCHEDULE FOR FLOORING AND WALL FINISHES.
10. SEE WINDOW SCHEDULE FOR WINDOW SIZES AND TYPES.
11. SEE DOOR SCHEDULE FOR DOOR SIZES AND TYPES.
12. SEE STAIR SCHEDULE FOR STAIR CASES AND RAILINGS.
13. SEE LIGHTING SCHEDULE FOR LIGHT FIXTURES AND SWITCHES.
14. SEE PLUMBING SCHEDULE FOR TOILETS, SINKS, AND SHOWERS.
15. SEE MECHANICAL SCHEDULE FOR HEATING AND COOLING SYSTEMS.
16. SEE ELECTRICAL SCHEDULE FOR OUTLETS, SWITCHES, AND PANELS.
17. SEE PAINT SCHEDULE FOR WALL AND CEILING FINISHES.
18. SEE FLOORING SCHEDULE FOR FLOORING MATERIALS AND INSTALLATION.
19. SEE ROOFING SCHEDULE FOR ROOFING MATERIALS AND INSTALLATION.
20. SEE Siding SCHEDULE FOR SIDING MATERIALS AND INSTALLATION.
21. SEE EXTERIOR SCHEDULE FOR EXTERIOR FINISHES AND DETAILS.
22. SEE INTERIOR SCHEDULE FOR INTERIOR FINISHES AND DETAILS.
23. SEE WINDOW SCHEDULE FOR WINDOW SIZES AND TYPES.
24. SEE DOOR SCHEDULE FOR DOOR SIZES AND TYPES.
25. SEE STAIR SCHEDULE FOR STAIR CASES AND RAILINGS.
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34. SEE EXTERIOR SCHEDULE FOR EXTERIOR FINISHES AND DETAILS.
35. SEE INTERIOR SCHEDULE FOR INTERIOR FINISHES AND DETAILS.



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Sold: \$220,000 (3 beds, 2.5 baths, 1,404 sqft)

https://www.zillow.com/homedetails/546-Rawlings-St-Louisville-KY-4021773601442_zpid/?mmlb=g,33

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Photos

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https://www.zillow.com/homedetails/546-Rawlings-St-Louisville-KY-40217/73601442_zpid/?fullpage=true&mmib=g.16

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Photos

Save Home

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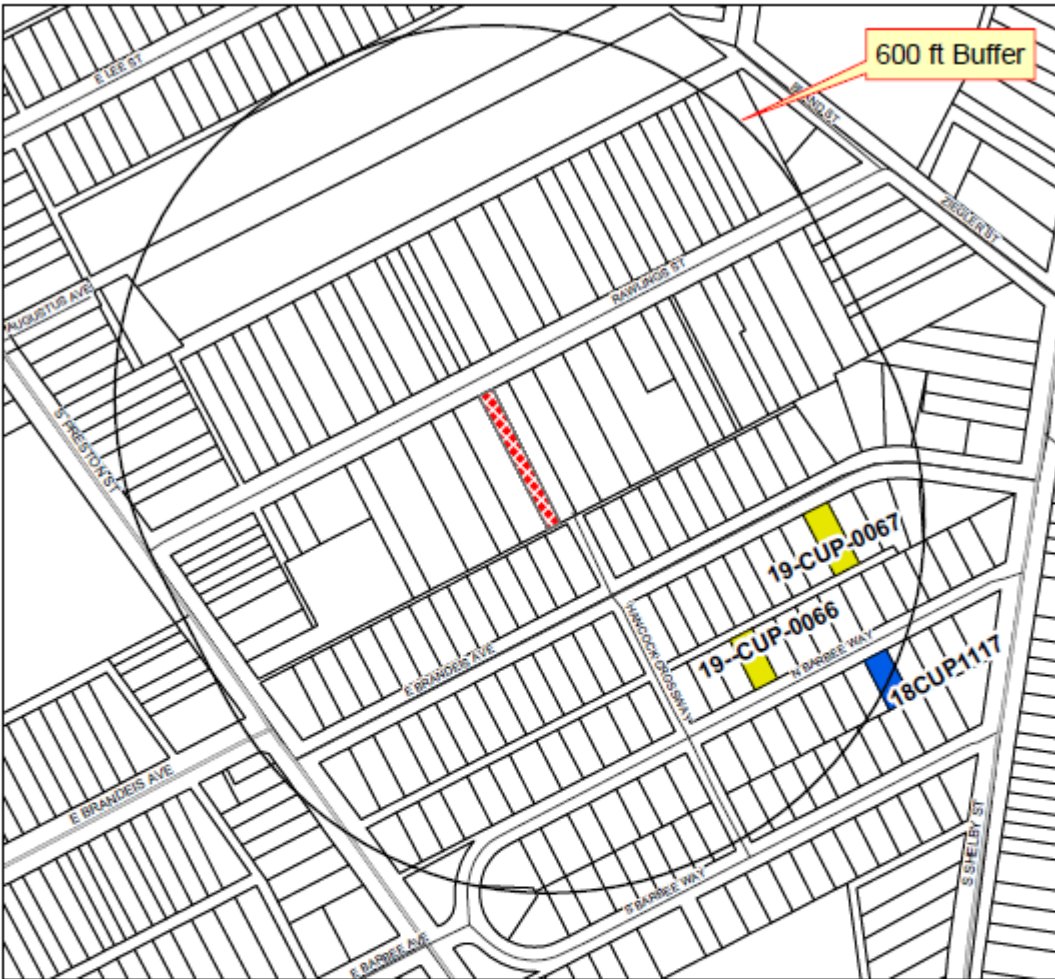


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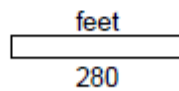
Map Created: 10/14/2019



Legend

-  Buffer
-  Subject Site
-  Approved
-  Pending

**Proximity Map
#19-CUP-0106**



This map is subject to change upon the Board of Zoning Adjustment granting approvals to other Short Term Rental Conditional Use Permits.



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